

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 6. The sheet replaces the original sheet including Fig. 6.

Attachment: Replacement sheet (1/1)

REMARKS/ARGUMENTS

Claims 9 to 11 and 22 to 24 remain in the current application. Claims 22 to 24 are new and Claims 1 to 8 and 12 to 21 have been cancelled

In order to obtain a Notice of Allowance in an expedited manner, Applicant has amended the claims to cancel the apparatus claims while respectfully reserving the right to file them in at least one divisional application.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) since the Examiner has stated that the drawings fail to include reference number "54". Figure 6 has been amended to include the missing reference number. Retraction of Examiner's objection to the drawings is respectfully requested.

The specification has been objected to since the Examiner has stated that use of the trademark TEFLON should be capitalized and accompanied by generic trademark terminology. Paragraph 36 has been amended to address the Examiner's objection. Retraction of Examiner's objection to the specification is respectfully requested.

Paragraphs 29 and 38 have also been amended to correct typographical errors.

Claims 17, 18 and 21 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which is being regarded as the invention. Claims 17, 18 and 21 have now been cancelled. Retraction of Examiner's rejection of Claims 17, 18 and 21 is respectfully requested.

Claims 5, 7 and 12 have been rejected for including informalities. Claims 5, 7 and 12 have now been cancelled. Retraction of Examiner's rejection of Claims 5, 7 and 12 is respectfully requested.

Claims 1 to 6 and 8 to 15 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,894,402 to Cherrington ("Cherrington"). As indicated above, Claims 1 to 6, 8 and 12 to 15 have been cancelled, however Applicant respectfully submits that amended Claims 9 to 11 and new claims 22 to 24 are patentable over Cherrington. Claim 9 has been

amended to include the subject matter of the slurry being guided directly into the pipe from the pullhead.

Cherrington is directed at an apparatus and method for emplacing a conduit along an underground arcuate path. The conduit is seen as production casing 32. More specifically, column 4 lines 20 to 34 states:

Reamer 30 has a plurality of reamer teeth 42 which enlarge pilot hole 10 to a diameter slightly larger than that of production casing 32. This provides a small annulus 44 about the outer diameter of production casing 32. Drilling mud which is injected through drill string 20 and exits at reamer 30 flows around the reamer and entrains the earth 46 scarified and dislodged by reamer teeth 42 as illustrated by arrows 48. The drilling mud containing the dislodged earth flows into the annulus 444 circumscribing the production casing 32 as illustrated by arrows 50. The used drilling mud serves to lubricate production casing 32 so that it slips easily into the enlarged hole.

Furthermore at column 4, lines 57 to column 5 line 2, Cherrington discloses the subject matter of a return pipe 62 which is used to relieve the pressure of the drilling mud in annulus 44. The return pipe 62 communicate with holes in the wall 66 of the casing. Therefore, the drilling mud is being directly away from the production casing before being received in the return pipe **from the annulus** (emphasis added). This is teaching away from the method as claimed.

As claimed, Claim 9 now includes the subject matter of "guiding said slurry **directly** to an interior of said pipe causing said slurry to travel along said interior of said pipe to an opposite end of said pipe", the slurry being a combination of the dislodged earth and a liquid, such as bentonite. By directing the sludge directly through the pipe, there is an advantage that a smaller sized pullhead/reamer can be used for the drilling process (see paragraph 43). Further advantages of the method of the claimed invention are disclosed at paragraph 49.

Therefore, Cherrington clearly teaches away from this novel method as at least a portion of the drilling mud is being used to lubricate the outside of the production casing (pipe) as it is being pulled through the newly formed hole. Furthermore, the drilling mud is direct towards the return pipe via the set of holes 66 within the walls of the casing 32 and not directly through the pullhead (as claimed in claim 24). Therefore, Cherrington does not anticipate the subject

matter as claimed. Retraction of Examiner's rejection of Claims 1 to 6 and 8 to 15 is respectfully requested.

Claims 7 and 16 to 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Cherrington in view of US Patent No. 5,687,805 to Perry ("Perry"). Claims 7 and 16 to 21 have now been cancelled. Retraction of Examiner's rejection of Claims 7 and 16 to 21 is respectfully requested.

For the above reasons, it is respectfully submitted that the application is now in condition for allowance, which is requested.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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